

347.01
I 29ax
1996



SUPREME COURT
STATE OF ILLINOIS

CHAMBERS
OF
JAMES D. HEIPLE
JUSTICE

January 31, 1997

207 MAIN STREET - SUITE 500
PEORIA, ILLINOIS 61602

PHONE (309) 671-3021
FAX (309) 671-3044

Honorable Michael J. Madigan
Speaker of the House
State House, Room 300
Springfield, Illinois 62706

Honorable James "Pate" Philip
President of the Senate
State House, Room 327
Springfield, Illinois 62706

DEPOSITORY

FEB 16 1997
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Gentlemen:

The following report is submitted in accordance with section 17 of Article VI of the Illinois Constitution of 1970 which provides: "The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly***."

In making the suggestions contained in this and in prior reports, the Supreme Court is fully cognizant of the respective roles of the General Assembly and the courts, and does not intend to intrude upon the prerogatives of the General Assembly in determining what legislation should be enacted. It is gratifying, however, to note the General Assembly over the years has acted to implement many of the suggestions made by the Court. I respectfully submit that the attached suggestions merit the consideration of the General Assembly.

Sincerely,

A handwritten signature in cursive script, appearing to read "James D. Heiple", is written over the typed name.

James D. Heiple
Chief Justice
Supreme Court of Illinois

c: Honorable Lee A. Daniels
Minority Leader, House of Representatives

Honorable Emil Jones, Jr.,
Minority Leader, State Senate

Members of the General Assembly

1996 Annual Report of the Supreme Court to the General Assembly

State-Funded Retirement Systems

In 1994 the General Assembly approved legislation to begin to address the serious problem of the under funding of the five state-financed retirement systems. The legislature took the significant step of establishing a long term solution to achieve a 90% funding ratio by the end of State fiscal year 2045. This plan also commits the state to continuing appropriations of the required contributions to the General Assembly, Judges, State Employees, State Universities, and State Teachers retirement systems.

Since the adoption of this legislation, the General Assembly has made all required appropriations for payments to the retirement systems in the amounts certified by the governing boards of trustees of these systems. The General Assembly is to be commended for continuing to address this significant problem.

Increase in State Funding for Death Row and Other Criminal Appeals

In 1996 the General Assembly approved a 1.4 million dollar increase in the budget of the Office of the State Appellate Defender, allowing that office to contract with private attorneys to address its backlog of criminal appeals. In addition, the General Assembly provided the funds necessary to allow the work of the Capital Resource Center to continue without interruption despite the decrease in federal funds.

The General Assembly is to be commended for addressing this serious need in the judicial system. The General Assembly's action should substantially relieve the backlog of criminal appeals which has led to a federal lawsuit over the delay in processing appeals. Moreover, the funding of the Capital Resource Center has prevented the possibility of death row inmates having inexperienced counsel or no counsel; substantial errors going unchallenged; and additional delays being created in an already protracted post-conviction process. This action also has prevented the financial burden of post-conviction appeals from falling on Illinois counties.



Digitized by the Internet Archive
in 2016

<https://archive.org/details/annualreporttoge1996illi>

**Remodeling of the Waterways Building
to Serve as a Courthouse for the
Appellate Court of the Fourth Judicial District**

The 1988 Capitol Complex Plan included renovation of the Waterways building, located on Monroe Street between First and College streets in Springfield, for use by the Appellate Court of the Fourth Judicial District. Funds have been appropriated to remodel the building, and initial design work has been completed. However, the project has not progressed beyond the design stage because of the state's fiscal priorities.

The General Assembly is requested to continue appropriating funds for the renovation of the Waterways building. Relocating the Fourth District from the Supreme Court building to the new location would serve the dual purposes of providing the Fourth District with the space necessary to accommodate its needs, while making much needed additional space available in the Supreme Court building to address the space needs of the Supreme Court.

**Certain Provisions of the Code of Criminal
Procedure of 1963 Are Unconstitutional**

In People v. Paul Krueger, S. Ct. Doc. No. 80486 (December 19, 1996), our court found that section 108-8(b)(2) of the Code of Criminal Procedure of 1963 (725 ILCS 5/108-8(b)(2)) violates both the Illinois and Federal Constitutional guarantees against unreasonable searches and seizures.

Section 108-8(b)(2) is a provision of the “no knock” statute which classifies the prior possession of a firearm within a reasonable period of time as an exigent circumstance which would allow a police officer executing a search warrant to make entry without first knocking and announcing his office. We found that the mere presence of firearms in a home to be searched does not constitute an exigent circumstance which would excuse the knock and announce requirement. Rather, the officers must have a reasonable belief that a weapon will be used against them if they proceed with the ordinary announcements.

If the General Assembly determines that the interests of the State need to be addressed in this situation, the Supreme Court encourages the General Assembly to cure this statute’s constitutional defect.

Certain Provisions of the Criminal Code of 1961 Are Unconstitutional

In People v. Lewis, S. Ct. Doc. No. 80318 (December 19, 1996), our court found that the penalties for armed violence predicated on robbery committed with a category I weapon (720 ILCS 5/33A-1), and armed robbery (720 ILCS 5/18-2) are unconstitutionally disproportionate, pursuant to article I, section 11, of the 1970 Illinois Constitution.

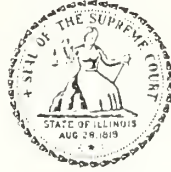
Section 33A-1 of the criminal code contains the offense of armed violence predicated on robbery committed with a category I weapon, which includes a handgun. Section 18-2 of the criminal code establishes the offense of armed robbery, which is the commission of robbery while armed with a dangerous weapon, which in turn would include a handgun. In examining the statutory provisions, this court found that the elements of these two offenses are identical. However, the punishment for violating section 33A-1 is 15 years to 30 years imprisonment, while the punishment for violating section 18-2 is 6 years to 30 years imprisonment. We found these penalties are unconstitutionally disproportionate under article I, section 11, of the 1970 Illinois Constitution.

If the General Assembly determines that the interests of the State need to be addressed in this situation, the Supreme Court encourages the General Assembly to cure this statute's constitutional defect.

UNIVERSITY OF ILLINOIS-URBANA



3 0112 031920553



SUPREME COURT OF ILLINOIS

CHAMBERS OF
CHIEF JUSTICE CHARLES E. FREEMAN

160 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60601
(312) 793-5480

January 30, 1998

Honorable Michael J. Madigan
Speaker of the House
House of Representatives
Springfield, Illinois 62706

Dear Speaker Madigan:

The following report is submitted in accordance with section 17 of Article VI of the Illinois Constitution of 1970 which provides: "The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly***."

In making the suggestions contained in this and in prior reports, the Supreme Court is fully cognizant of the respective roles of the General Assembly and the courts, and does not intend to intrude upon the prerogatives of the General Assembly in determining what legislation should be enacted. It is gratifying, however, to note the General Assembly over the years has acted to implement many of the suggestions made by the Court. I respectfully submit that the attached suggestions merit the consideration of the General Assembly.

Sincerely,

Charles E. Freeman
Chief Justice
Supreme Court of Illinois

c: Honorable Lee A. Daniels
Republican Leader, House of Representatives

Members of the House of Representatives



SUPREME COURT OF ILLINOIS

CHAMBERS OF
CHIEF JUSTICE CHARLES E. FREEMAN

160 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60601
(312) 793-5480

January 30, 1998

Honorable James "Pate" Philip
President of the Senate
State Senate
Springfield, Illinois 62706

Dear Senate President Philip:

The following report is submitted in accordance with section 17 of Article VI of the Illinois Constitution of 1970 which provides: "The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly***."

In making the suggestions contained in this and in prior reports, the Supreme Court is fully cognizant of the respective roles of the General Assembly and the courts, and does not intend to intrude upon the prerogatives of the General Assembly in determining what legislation should be enacted. It is gratifying, however, to note the General Assembly over the years has acted to implement many of the suggestions made by the Court. I respectfully submit that the attached suggestions merit the consideration of the General Assembly.

Sincerely,

A handwritten signature in cursive script, reading "Charles E. Freeman".

Charles E. Freeman
Chief Justice
Supreme Court of Illinois

c: Honorable Emil Jones, Jr.
Democratic Leader, State Senate

Members of the State Senate

1997 Annual Report of the Supreme Court to the General Assembly

Continuing Judicial Education

Illinois has been a leader in judicial education for over 30 years. The Supreme Court through its Judicial Conference continues to provide quality judicial education programs to the judges of this State. All new judges are required to attend the annual new judge seminar. Additionally, regional seminars are offered throughout the State to maintain a high level of judicial training for new and experienced judges.

While Illinois offers some of the best judicial education opportunities in the nation, we realize that we must continue to enhance our training of new and experienced judges. This year we expanded our educational programs to include enhanced automation training to judges throughout the State. We also inaugurated a statewide New Judge Mentoring Program which will assist each new judge in his or her transition from attorney to judge. The Court also approved the recommendation of its Judicial Conference, which urged more continuing judicial education for our experienced judges.

But if the Illinois judiciary is to continue to improve upon its accomplishments we must resolve to commit more resources to the development of an even more formal, comprehensive judicial education program. Illinois must continue to develop a center for continuing judicial education which leads the nation in preparing judges for the awesome task of judging, as they attempt to meet the high expectations placed upon judges by the people of this State. Additional funding for judicial education will be requested in the Judicial Branch's fiscal year 1999 budget. The General Assembly has addressed the increasing judicial workload by providing additional elected judgeships. We believe that the General Assembly will build on its efforts by favorably responding to our need for additional training resources.

State-Funded Retirement Systems

In 1997, the General Assembly passed legislation which significantly improved pension benefits for State employees. Beginning January 1, 1998, Public Act 90-65 provided for a new flat rate pension formula for State employees and provides a means to pay for the revision. This change will enhance the security of State employees during their retirement years. The General Assembly is to be commended for this action.

In 1994 the General Assembly approved legislation to begin to address the serious problem of the under funding of the five state-financed retirement systems. The legislature took the significant step of establishing a long-term solution to achieve a 90% funding ratio by the end of State fiscal year 2045. This plan also commits the State to continuing appropriations of the required contributions to the General Assembly, judges, State employees, State universities, and State teachers retirement systems.

Since the adoption of this legislation, the General Assembly has made all required appropriations for payments to the retirement systems in the amounts certified by the governing boards of trustees of these systems. The General Assembly is also to be commended for continuing to address this significant problem.

Remodeling of the Waterways Building to Serve as a Courthouse for the Appellate Court of the Fourth Judicial District

The 1988 Capitol Complex Plan included renovation of the Waterways building, located on Monroe Street between First and College streets in Springfield for use by the Appellate Court of the Fourth Judicial District. Funds have been appropriated to remodel the building, and initial design work has been completed. However, the project has not progressed beyond the design stage because of the State's fiscal priorities.

The General Assembly is requested to continue appropriating funds for the renovation of the Waterways building. Relocating the Fourth District from the Supreme Court building to the new location would serve the dual purposes of providing the Fourth District with the space necessary to accommodate its needs, while making much needed additional space available in the Supreme Court building to address the space needs of the Supreme Court.

A Provision of the Unified Code of Corrections is Unconstitutional

In *Murneigh v. Gainer*, S. Ct. Doc. 82042 (September 18, 1997), our court was asked to determine whether section 5-4-3(i) of the Unified Code of Corrections (730 ILCS 5/5-4-3(i)) and two implementing regulations were unconstitutional. Section 5-4-3(i) and the pertinent regulations require Illinois courts to enter orders for the collection of blood from certain convicted sex offenders. Such orders are enforced by the exercise of the court's contempt power.

We found that these provisions violate the separation of powers clause of the Illinois Constitution of 1970 (Ill. Const. 1970, art. II, § 1) on two grounds. First, the provisions vitiate the court's discretion in exercising its contempt power. Second, the provisions attempt to assign to the judiciary a ministerial or administrative duty to process blood collection, which is a nonjudicial task.

We also found, however, that the contempt provisions are severable from the remainder of the blood collection provisions and, therefore, invalidating the contempt provisions does not jeopardize the State's blood collection program.

If the General Assembly determines that the interests of the State need to be addressed in this situation, the Supreme Court urges the General Assembly to cure this statute's constitutional defect.

The Statutory Penalty for Felons Convicted of Failing to Have a Firearm Owner's Identification Card is Unconstitutional

In *People v. Davis*, S. Ct. Doc. 81358 (October 17, 1997), our court considered the constitutionality of the statutory penalty for felons who violate the Firearm Owners Identification Card Act (430 ILCS 65/0.01 *et seq.*). We found that violation of the registration requirement, which is a nonprobationable Class 3 felony subject to a minimum two-year sentence, is a less serious offense than unlawful use of a weapon, which is a probationable Class 3 felony. We therefore found that the statutory penalty for felons possessing a firearm without proper registration, (730 ILCS 5/5-5-3(c)(2)(N), when compared to the penalty for unlawful use of a weapon by a felon (720 ILCS 5/24-1.1), violates the proportionate penalties clause of the Illinois Constitution (Ill. Const. 1970, art. 1, § 11).

If the General Assembly determines that the interests of the State need to be addressed in this situation, the Supreme Court urges the General Assembly to cure this statute's constitutional defects.

Illinois Drug Asset Forfeiture Procedure Act

In *People v. \$1,124,905 U.S. Currency*, S. Ct. Doc. 79106 (September 18, 1997), our court reviewed the propriety of a forfeiture order entered pursuant to the Drug Asset Forfeiture Procedure Act (725 ILCS 150/1 *et seq.*). As part of this review, we were asked to determine the proper procedure to be followed when a claimant wishes to challenge the sufficiency of a forfeiture complaint.

A majority of the court concluded that a claimant's filing of an answer does not serve to waive the issue of sufficiency. The dissent, however, would have applied the waiver doctrine under the specific facts of the case. It is worth noting that the Illinois Drug Forfeiture Act does not admit of any recognizable pre-answer motion practice and in this respect, the Illinois statute stands in stark contrast to the federal statute upon which the Illinois statute is based.

The Supreme Court submits this matter to the General Assembly for its consideration.

Dismissal of a Petition for Wardship under Section 2-14 of the Juvenile Court Act of 1987

In *In re S.G.*, S. Ct. Doc. 80688 (February 20, 1997), our court was asked to determine whether section 2-14 of the Juvenile Court Act of 1987 (705 ILCS 405/2-14) requires the circuit court to dismiss a petition for adjudication of wardship if the adjudicatory hearing is not completed within the 90-day statutory period. A majority of the court concluded that the petition must be dismissed in this instance. In reaching its conclusion, the majority rejected the argument that section 2-14 does not require dismissal of a petition where the adjudicatory hearing is begun, but not yet completed, within the statutory period.

The Supreme Court submits this matter to the General Assembly for its consideration.

A Provision of the Illinois Insurance Code is Unconstitutional

In *Milwaukee Safeguard Insurance Company v. Selcke*, S. Ct. Doc. 82047 (October 23, 1997), our court found that section 409 of the Illinois Insurance Code (215 ILCS 5/409), which imposes an annual privilege tax on foreign or alien insurance companies, is unconstitutional. We found that section 409 violates the uniformity clause of the Illinois Constitution (Ill. Const. 1970, art. IX, § 2). We reached this conclusion after finding that the classification of foreign and domestic insurance companies in this section does not bear a reasonable relationship to the legislative objective of enhancing the security of Illinois policyholders.

If the General Assembly determines that the interests of the State need to be addressed in this situation, the Supreme Court urges the General Assembly to cure this statute's constitutional defect.

UNIVERSITY OF ILLINOIS-URBANA



3 0112 032004159

347.01
IZ9ax
1998



DEPOSITORY

FEB 15 1999

SUPREME COURT OF ILLINOIS

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

CHAMBERS OF
CHIEF JUSTICE CHARLES E. FREEMAN

160 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60601
(312) 793-5480

January 29, 1999

Honorable Michael J. Madigan
Speaker of the House
House of Representatives
Springfield, Illinois 62706

Honorable James "Pate" Philip
President of the Senate
State Senate
Springfield, Illinois 62706

Honorable Lee A. Daniels
Republican Leader
House of Representatives
Springfield, Illinois 62706

Honorable Emil Jones, Jr.
Democratic Leader
State Senate
Springfield, Illinois 62706

Gentlemen:

The attached report is submitted in accordance with Article VI, section 17 of the Illinois Constitution of 1970 which provides: "The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly***."

Included among the topics in this report are an overview of the work of the 1998 annual Judicial Conference, a summary of the New Judge Mentoring Program, as well as selected Supreme Court decisions, offered for the General Assembly's consideration. Also included is the Court's entreaty to the legislature to enact legislation, introduced during the 90th General Assembly, concerning the Judges Retirement System. In urging this particular legislation, the Court is not unmindful of the respective roles of the General Assembly and the Court. While we intend no intrusion upon the prerogatives of the General Assembly in the exercise of its authority, we, nonetheless, respectfully, urge enactment of this particular legislation.

The Court is continually gratified by the General Assembly's receptiveness to and support of the Court's programs and initiatives. As evidenced in this report, such support has allowed for the ongoing development of a family violence prevention program in Illinois, as well as for the renovation

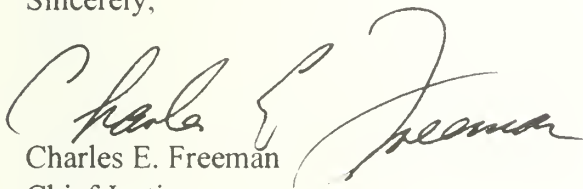
January 29, 1999

Page Two

of a facility which will serve to house the fourth district appellate court. Given the General Assembly's past consideration, we look forward, with great anticipation, to its continued responsiveness and support.

On behalf of the Court, I respectfully submit the Supreme Court's 1998 Annual Report to the General Assembly.

Sincerely,

A handwritten signature in cursive script, reading "Charles E. Freeman". The signature is written in dark ink and is positioned above the printed name and title.

Charles E. Freeman
Chief Justice
Supreme Court of Illinois

Enclosure

c: Members of the General Assembly

1998 Annual Report of the Supreme Court to the General Assembly

I. 1998 Illinois Judicial Conference

The 1998 annual Illinois Judicial Conference convened on October 29th and 30th “to consider the work of the courts.” Each year, the Judicial Conference provides the Court with a broad range of recommendations intended to improve the administration of justice in Illinois. The eighty-two member Conference includes the seven supreme court justices, the five presiding justices of the appellate court, at least twenty-two associate judges, five chief circuit judges, and other circuit and appellate judges from throughout the State. Seven Conference committees are staffed by experienced individuals from the Administrative Office of the Illinois Courts who provide administrative as well as research assistance to the committees in their particular endeavors. The Committees of the Judicial Conference are as follows: Alternative Dispute Resolution Coordinating Committee, Automation and Technology Committee, Committee on Criminal Law and Probation Administration, Committee on Discovery Procedures, Committee on Education, Study Committee on Complex Litigation, and the Study Committee on Juvenile Justice.

The annual Judicial Conference is supervised by the Executive Committee of which the Chief Justice serves as Chairman. Events on the first day of the 1998 Conference included delivery of the Chief Justice’s annual message. On day two, each of the Conference committees reported to the body concerning its work over the course of the past year, and on anticipated initiatives for 1999.

Recommendations presented at the 1998 Conference were conceived and developed by some of the most experienced and knowledgeable jurists in the State. Included among the recommendations were the following: (1) the development of a judicial web page, (2) a proposal to amend the Supreme Court Rules to allow for the taking of depositions by electronic means, (3) the expansion of judicial education programs, and (4) a plan for compensation of arbitrators in court-annexed mandatory arbitration cases.

II. Continuing Judicial Education

The Court has consistently stressed the importance of judicial education as being essential to a vital judiciary. Judicial education is the primary means by which judges are able to remain current in developments in the law, may increase their knowledge of substantive and procedural law, and develop an appreciation, as well as an understanding, of matters relating to court administration and management. Beyond the enhancement of particular skills, a consistent judicial education program provides the best opportunity for judges throughout the State to interact, to collaborate and to exchange ideas.

Through its Judicial Conference, the Supreme Court has provided judges with education programs of the highest caliber for more than 30 years. The Court's education program includes numerous seminars, workshops, a new judge orientation, which includes an intensive five-day seminar, a resource and lending library, and a faculty development program which assists judges in improvement of their teaching skills.

In 1998 the Supreme Court continued its impetus toward strengthening Illinois' judicial education program. The Court took three bold steps which serve first, to evidence our resolve on the essentialness of a strong education program, and second, to reinforce our commitment to expand and enhance educational opportunities for judges at every level in the judiciary. In January, the Court issued a formal statement to every judge in this State urging each to attain at least 15 hours of continuing judicial education annually. Following on the heels of that statement, the Court issued an order creating the New Judge Mentoring Program, discussed later in this report. Finally, in September, the Court adopted the "Comprehensive Judicial Education Plan."

The "Comprehensive Judicial Education Plan," which incorporates and further develops components of the prior existing educational program, adds some new and innovative components. As adopted, the Plan consists of a variety of programs to be implemented in the short-term as well as concepts to be studied for long-term implementation. An important new component in the Plan is the establishment of an Education Conference. The EDUCATION CONFERENCE, to be distinguished from the JUDICIAL CONFERENCE, is designed to allow and encourage judges from every level of our court system and from every geographical location to convene for purposes of discussion on such matters as substantive and procedural law, judicial ethics and conduct, and any other issues relevant to the effective administration of justice. It is the Court's intent to request additional funding to inaugurate the Education Conference in fiscal year 2000.

Concepts to be studied for long-term implementation under the Comprehensive Plan include (1) a cooperative effort between the judiciary and area law schools with the goal of establishing "Summer School for Judges"; (2) the availability of distance education through the use of audio and video conferences; (3) the creation of a judicial web page to provide informational and educational resources to judges "on-line"; and (4) increased opportunities for self-directed study through the creation of additional bench books, as needed, and educational materials on audio and video tapes and on CD ROM.

The People of this State expect that its judges are fair, well versed in the law, and competent to rule on the issues presented to them. Integral to insuring the competency of our judiciary is the development and maintenance of the highest quality of judicial education. To that end, the Court is resolute in its determination to commit additional resources to the continued development and formalization of judicial education. Additional funding to begin implementing the Comprehensive Judicial Education Plan will be requested in the Judicial Branch's fiscal year 2000 budget. We believe the General Assembly will continue to assist us in meeting the high expectations placed on judges by the People of this State by responding favorably to our request for additional resources.

III. Judicial Branch Web Page

In 1998, the Supreme Court embraced the concept of a Judicial Branch Internet Web Page. The recommendation for a judicial web page was submitted to the Court by the Illinois Judicial Conference Committee on Automation and Technology. To bring plans for the web page to fruition, the Court has directed the Administrative Office of the Illinois Courts, with the assistance of the Committee on Automation and Technology, to participate in the creation of the design, and to then, implement and maintain the Court's Web Page.

Use of the Internet is not an entirely new venture for the Court. While most information pertaining to the judiciary is currently only available through library materials and mailings, the Reporter of Decisions has been providing Supreme and Appellate Court decisions on the Internet for the past several years. Beyond the capability of offering judicial opinions over the Internet, the Court envisions that its Web Page will provide greater and varied information, which would otherwise not be available for distribution in other than paper form.

The Court continues to seek out the most economical means to improve the administration of Illinois' vast court system. With the addition of a web page to its arsenal of administrative resources, the Court intends to improve the flow of routine information to the members of the bench, the bar, and the general public. As is the case with other branches of State government, the Court has not limited its consideration of technological advances to the use of the Internet. Continuing endeavors by the Committee on Automation and Technology assure that the Court will be kept abreast of those advances which have the potential to improve the overall efficiency of our court system. There will soon come a time when our courts and its agencies, with a simple keystroke on a computer, will have the capability to share and exchange information within minutes. To move forward in this area, the Executive Committee of the Illinois Judicial Conference has authorized the Committee on Technology to continue its efforts to establish an extensive Judicial Branch Information System during the 1999 conference year.

IV. New Judge Mentoring Program

Last year the Court informed the General Assembly of its intent to inaugurate a mentoring program to assist new judges in their transition from legal practitioner to the office of judge. While seasoned jurists have always assisted new colleagues on an informal basis, the Court believed a more formal procedure was needed to help new judges during the critical first year on the bench when judges develop work habits and a judicial style that will remain with them throughout their judicial careers. On February 6, 1998, the Court entered an order (M.R. 14618) creating the New Judge Mentoring Program, which is now fully operational.

In October 1998, one hundred and twelve veteran judges throughout the State attended a full day of training and are now certified to serve as mentors to new judges. The goals of the mentoring program are to: provide a role model for the new judge; provide ethical guidance; help improve judicial skills through demonstration and discussion; help the new judge be more productive and

efficient; assist the new judge in integrating judicial and private roles; and encourage educational development. All judges new to the bench after November 1, 1998, will have the benefit of a formal mentoring relationship for a period of one year, during which time the new judge can consult freely with his or her mentor on any aspect of the office of judge. Mentors will provide assistance during regular meetings with the new judge by being generally available to answer questions, and by directing the new judge to helpful resources.

V. Remodeling of the Waterways Building to Serve as a Courthouse for the Appellate Court of the Fourth Judicial District

The long-anticipated renovation of the Waterways Building in Springfield, for use by the Appellate Court of the Fourth District, is under way. Funds for this effort were released during 1998. The removal of nonstructural components is virtually complete and construction activity on the renovation is scheduled to begin in March of 1999.

The General Assembly is to be commended for appropriating the funds for this essential project. Relocating the Fourth District from the Supreme Court Building to the new location will serve the dual purposes of providing the Fourth District with the space to accommodate its needs, while making much needed additional space available to the Supreme Court in the Supreme Court Building.

VI. Family Violence Prevention Coordinating Council Program

In 1993, the Supreme Court authorized the convening of a state-level council to provide a coordinated response to family violence in our communities. Utilizing a multi-disciplinary approach, the Illinois Family Violence Coordinating Council (IFVCC) works across the health, justice and social service systems to address problems resulting from family violence. IFVCC is comprised of individuals from law enforcement, prosecution, defense, the judiciary, and the health, religious, social service and education fields. One of the goals of the IFVCC is to contribute to the improvement of the legal system and the administration of justice.

Utilizing funds appropriated by the General Assembly, local family violence prevention coordinating councils are formed primarily along judicial circuit boundaries. The councils' purpose is to assist the circuit court in developing programs to improve the court's ability to serve the community and dispose of cases. The councils emphasize prevention through strengthened services, coordination, protocol development, public education, professional training, data analysis, evaluation and information exchange.

The General Assembly is to be commended for its support of this effort.

VII. Judicial Retirement Proposal

During the 90th General Assembly, legislation was introduced which would have provided an important change to the Judges Retirement System. The proposed change would have allowed a judge, who had elected to stop contributions to the Judicial Retirement System, and who, thereafter, received a salary increase, to elect to make contributions only on the amount of the salary increase. Passage of this change would give experienced judges an incentive to remain on the bench. This proposal was recommended for approval by the Illinois Pension Laws Commission but was not acted upon by the 90th General Assembly. The General Assembly is urged to enact this appropriate change to the Judges Retirement System.

VIII. Juvenile Justice Reform

In 1998, the General Assembly passed legislation which represents a major shift in State policy regarding juvenile justice. The Juvenile Justice Reform Provisions of 1998 (Public Act 90-590, effective January 1, 1999) include a comprehensive revision of the delinquency article of the Juvenile Court Act. Among other major changes, the new law appears to reshape the basic focus of the justice system's response to juvenile delinquency. The General Assembly's intent to promote a "balanced and restorative justice" approach to dealing with the problem of juvenile crime in Illinois will have a significant impact on the state's juvenile justice system.

To ensure appropriate implementation of the reform provisions, the General Assembly, in consultation with the executive and judicial branches of government, approved a multi-year funding plan for those State and local components of the juvenile justice system impacted by the new law. For fiscal year 1999, total appropriations to implement the reform provisions amount to \$33.2 million, with a substantial portion of these funds allocated for court-based programs. In the judicial branch, the primary impact of this legislation is on the juvenile detention and probation operations administered by our circuit courts.

The FY 1999 funding package includes an appropriation of \$5.3 million to the Supreme Court's budget to reimburse the counties for new juvenile detention and probation resources. Additionally, the FY 1999 funding plan includes an \$8.5 million appropriation to the Department of Public Aid for Medicaid reimbursements to the counties for the purchase of court-ordered placement and treatment services on behalf of juvenile delinquents sentenced to probation.

To ensure the continued successful implementation of the juvenile justice reform provisions, it is important that the State maintain its multi-year commitment to provide the resources needed to effectively carry out the intent of this new law.

IX. Courts Commission

On November 3, 1998, the electorate of the State of Illinois approved the proposed amendment to

the Constitution of the State of Illinois that altered the structure and procedures of the Illinois Courts Commission. The supreme and appellate courts have made their appointments under the new amendment.

The Supreme Court has increased its appropriation request for the Commission to handle expected increased expenses. The Court looks forward to the Commission's continuation of its important duties and responsibilities.

X. Supreme Court Decisions Which the General Assembly May Wish to Consider

A. A section of the Home Repair Fraud Act held unconstitutional

In *People v. Watts*, S. Ct. Doc. 81548 (February 20, 1998), our court considered the constitutionality of section 3(c) of the Home Repair Fraud Act (815 ILCS 515/3(c)) (the Act). That provision allows the presence of certain factors to raise a rebuttable presumption of intent and places the burden of production on a defendant to rebut that presumption. If the defendant fails to carry this burden, the trier of fact is required to find that the defendant did not intend to do the promised work, even if the State has offered no evidence that directly shows such an intent.

We held that such burden shifting violates the due process clauses of both the United States and Illinois Constitutions. We also held, however, that section 3(c) is severable from the remainder of the Act. Therefore, although this provision is stricken, the remainder of the statute remains intact and valid.

The Supreme Court submits the matter to the General Assembly for its consideration.

B. A statutory penalty in the Criminal Code of 1961 held unconstitutional

In *People v. Lombardi*, S. Ct. Doc. Nos. 83810, 83951, 83952 (cons.) (December 17, 1998), the Court was asked to determine whether the statutory penalty for armed violence involving a category I weapon is unconstitutional when the underlying felony is residential burglary. (720 ILCS 5/19-3(a), 33A-2.) These sections impose a 15 to 20-year prison term for armed violence predicated on residential burglary while armed with a Category I weapon.

We held that to commit the offense of armed violence (residential burglary) a defendant need not actually use or threaten violence or injure an occupant, whereas the use or threat of violence or injury to an occupant is inherent to the offense of home invasion. Yet home invasion carries a lesser penalty of 6 to 30 years' imprisonment. We therefore held that the statutory penalty for armed violence involving a category I weapon when the underlying felony is residential burglary violates the limitation-of-penalties provision contained in article I, section 11 of the Illinois Constitution of 1970.

If the General Assembly determines that the interests of the State need to be addressed in this

situation, the Supreme Court urges the General Assembly to cure this statute's constitutional defect.

C. Adoption of a “deliberative process privilege” declined

In *People ex rel. Birkett v. City of Chicago*, Sup. Ct. Doc. 84452 (December 17, 1998), the Court was asked to adopt a common law deliberative process privilege. Under this privilege, confidential advice given to those involved in making decisions and policy for state and local government is exempt from discovery.

We declined to adopt this privilege, noting that privileges are strongly disfavored because they operate to exclude relevant evidence and thus work against the truth seeking function of legal proceedings. We noted further our long standing position that the extension of an existing privilege or the establishment of a new one is a matter best deferred to the legislature.

The Supreme Court submits this matter to the General Assembly for its consideration.

347.01
T29ax
1999



MAR 06 2000

SUPREME COURT OF ILLINOIS

CHAMBERS OF
CHIEF JUSTICE MOSES W. HARRISON II

333 SALEM PLACE, SUITE 170
FAIRVIEW HEIGHTS IL 62208

January 25, 2000

Honorable Michael J. Madigan
Speaker of the House
House of Representatives
Springfield, IL 62706

Honorable James "Pate" Philip
President of the Senate
State Senate
Springfield, IL 62706

Honorable Lee A. Daniels
Republican Leader
House of Representatives
Springfield, IL 62706

Honorable Emil Jones, Jr.
Democratic Leader
State Senate
Springfield, IL 62706

DEPOSITORY

FEB 23 2000

UNIVERSITY OF ILLINOIS
AT URBANA CHAMPAIGN

Gentlemen:

Attached is the Supreme Court's Annual Report to the General Assembly. The Report is submitted in accordance with Article VI, section 17 of the Illinois Constitution of 1970 which provides that "[t]he Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly." Consistent with section 17, this Report includes a summary of the work of the several committees which make up the Illinois Judicial Conference.

The committees of the Judicial Conference include (1) Alternation Dispute Resolution, (2) Automation and Technology, (3) Criminal Law and Probation Administration, (4) Discovery Procedures, (5) Education, (6) Study Committee on Complex Litigation, and (7) Study Committee on Juvenile Justice. On September 8, 1999, the Conference was convened to receive the committees' reports and recommendations. The reports revealed a conference year marked by substantial achievement. This Annual Report summarizes those achievements, and includes a forecast of some new and complimentary initiatives for conference year 2000.

January 25, 2000

Page 2

On behalf of the Court, I respectfully submit the Supreme Court's 1999 Annual Report to the General Assembly.

Sincerely,

A handwritten signature in cursive script, reading "Moses W. Harrison II". The signature is written in dark ink and is positioned above the printed name.

Moses W. Harrison II
Chief Justice
Supreme Court of Illinois

Enclosure

cc: Members of the General Assembly

1999 Annual Report to the Ninety-Second Illinois General Assembly

“The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than January 31.” Article VI, Section 17, Illinois Constitution.

The 46th annual meeting of the Illinois Judicial Conference convened on September 8th and 9th in Chicago. The Conference is supervised by the Executive Committee of which the Chief Justice serves as Chairman. The members of the Conference include the Supreme Court Justices; the Chairman of the Executive Committee of the Appellate Court, First Judicial District; the presiding justices of the appellate court in the Second, Third, Fourth, and Fifth Districts; and at least twenty-two associate judges, five chief circuit judges, and other circuit and appellate court judges from throughout the State. These judges comprise the membership of the seven Judicial Conference Committees: Alternative Dispute Resolution Coordinating Committee, Automation and Technology Committee, Committee on Criminal Law and Probation Administration, Committee on Discovery Procedures, Committee on Education, Study Committee on Complex Litigation, and the Study Committee on Juvenile Justice.

The 1999 Conference commenced on September 8th with meetings of the various Committees. The Hon. Charles E. Freeman delivered the Chief Justice’s annual message to the

more than 80 judges attending from throughout the state, praising them for their public service and dedication to improving the administration of justice in Illinois. At the September 9th plenary session, the Committees presented their annual reports, made recommendations, and discussed their anticipated initiatives for 2000. The reports reveal a diverseness of projects ranging from those which are self-initiated and developed by the Committees themselves to those initiated in response to inquiries posed by other Committees or by the Court. The following information summarizes the content of those reports:

Alternative Dispute Resolution Coordinating Committee

The Alternative Dispute Resolution Coordinating Committee is charged with evaluating, monitoring, studying and making recommendations regarding the use of dispute resolution programs. The Committee favors a proactive approach to litigation and continually explores resolution options for specialized types of cases. During the 1999 conference year, the Committee met with arbitration managers and their supervising judges to discuss topics related to arbitration practice. In response to its review of Supreme Court Rule 87(d)'s requirement that arbitrators file an oath for each case heard, the Committee drafted a proposed amendment to that rule that would allow circuits to determine the procedures for filing those oaths. The Committee also monitored the court-annexed mandatory arbitration programs currently operating in eleven counties.

In the area of mediation, the Committee continued to oversee the court-sponsored pilot major civil case mediation programs operating in six circuits. More than 1000 cases have been disposed

of through these programs. The Committee's establishment of a task force to study the feasibility of developing uniform rules and procedures for family law mediation is another example of the Committee's progressive approach to dispute resolution.

In addition, the Committee has proposed to the Judicial Conference Committee on Education that a course on alternative dispute resolution be offered at Education Conference 2000, with the Alternative Dispute Resolution Committee providing any needed technical support. The Committee also commenced its work on a survey designed to elicit information on the numerous court-sponsored alternate dispute resolution programs across the state.

Automation and Technology Committee

The Automation and Technology Committee is charged with evaluating, monitoring, coordinating and making recommendations for new and improved technological applications available to the courts in order to effectuate greater efficiency and lower operating costs upon the judicial system. Among its initiatives which progressed during the past Conference year, the Committee assisted the Administrative Office of the Illinois Courts (AOIC) in preparing a summary of its report on optical imagery as a means for document storage. This advancement will represent a tremendous technical achievement for the judiciary.

On the Committee's recommendation last year, the Court approved the Administrative Office to pursue the development of a Judicial Branch web site. With the Committee's technical and

creative assistance, the web site is near completion and will be a ready source of general Court information to members of the legal community as well as the general public. The site will link the Judicial Branch to other governmental agency sites and will undoubtedly evolve into one of the primary sources of Court-related information. The Committee announced that it will further participate in the completion of the site in the year 2000, as well as monitor technological advances which may be of benefit to the judiciary. In addition, the Committee continued to monitor legislation surrounding the Electronic Commerce and Security Act, effective July 1, 1999, as well as other acts which could affect court technology.

Criminal Law and Probation Administration

The Committee on Criminal Law and Probation Administration is charged with providing recommendations on matters affecting the administration of criminal justice and the probation system. During the 1999 Conference year, the Committee continued its review of community corrections issues. Noting that it strongly favors community corrections as an alternative to incarceration of non-violent offenders, the Committee emphasized that sentencing alternatives focused on treatment and rehabilitation would be a less expensive and more effective means of dealing with many non-violent offenders. In a cooperative effort with the Conference of Chief Circuit Judges, the Committee reviewed the *Report on Community Corrections* issued by the Committee on Probation of the Conference of Chief Judges, which proposes to implement a community based corrections concept as an alternative to incarceration of non-violent offenders in Illinois. The Committee agreed with the proposed Illinois Community Corrections Model in

concept, but would recommend a number of changes.

Along with this issue, the Committee also considered whether mandatory supervised release (parole) should be included in the community corrections proposal. The Committee concluded that, while probation departments are well positioned to provide better supervision of parolees than is currently available, probation department supervision of parolees is not a viable alternative unless adequate funding is available.

In 1999 The Supreme Court issued opinions in *People v. Fitzgibbon* (1998), 184 Ill.2d 320, and *People v. Linder* (1999), 186 Ill. 2d 67. Both cases addressed the requirements of trial counsel in the context of Supreme Court Rule 604(d) guilty pleas. The Committee considered whether, in light of the Court's rulings in those cases, Rule 604(d) required modification. At the Conference, the Committee presented its recommendation that Rule 604(d) be amended. As an additional initiative, the Committee announced that it has undertaken the task of reviewing the entire body of criminal law and procedure to determine whether any statutes require revision or reorganization.

Committee on Discovery Procedures

The charge of the Committee on Discovery Procedures is to monitor and evaluate discovery devices used in Illinois and to investigate and make recommendations on innovative means of expediting pretrial discovery and ending any abuses of the discovery process. During the 1999 Conference year, the Committee conducted an in-depth study of the use of and possible elimination

of discovery depositions in Illinois. After research and discussions with various bar associations, the Committee concluded that as discovery depositions encourage free and open discovery and facilitate settlement between the parties, discovery depositions should be maintained.

The Committee received and began studying several other discovery-related proposals including broadening the use of discovery depositions, limiting the deposition fees of physicians, and reviewing problems associated with various interpretations of Supreme Court Rule 213 relating to statements of opinion witnesses. The Committee's 1998 proposal to amend Supreme Court Rule 206, which allows parties in a case to take depositions by telephone or by some other electronic means, received favorable commentary at public hearing in 1999. The Committee has now embarked on a plan to review the whole of the discovery rules.

Committee on Education

Judicial education is essential to the maintenance of an adept judiciary and the need for an effective and efficient approach to judicial education cannot be overstated. In January 1999, the Court approved the Committee's submission of a Comprehensive Judicial Education Plan, which is one of the most progressive approaches to judicial education in the country. The comprehensive Plan sets the minimum number of seminars to be held annually and reinstates the large conference format for judicial education in Illinois. The first of these large education conferences, "Education 2000," will be held in February and March. The Plan also outlines new judicial education formats approved for study and possible implementation, including a "Summer School for Judges" and use

of new technologies to facilitate distance education.

During the 1999 Conference year, the Committee conducted a New Judge Seminar, eight regional seminars, six mini-seminars, two court management programs, and a faculty development seminar. Seminar attendance was up substantially for the 1998 to 1999 period -- indicating not only the quality of the plan, but also a stronger emphasis on the value of continuing judicial education. The Committee sponsored a number of special projects, including a special seminar to train judges to serve as mentors in the New Judge Mentoring Program and implementation of the final phase of the personal computer education program.

The Committee also sponsors the Resource Lending Library, which continues to be a valuable resource for judges. The Library, which is managed by the AOIC, houses a wealth of seminar reading materials, including video tapes, audio tapes, manuals, and other publications of interest to the judiciary. In fiscal year 1999 alone, 508 judges requested one or more items from the Library.

Study Committee on Complex Litigation

The charge of the Study Committee on Complex Litigation is to study, make recommendations, and disseminate information on successful practices for managing complex litigation. During the 1999 Conference year, the Committee produced a second update to the third edition of the *Illinois Manual for Complex Civil Litigation* which addressed recent changes in the

law. The 1999 update discusses the impact of *River Park, Inc. v. City of Highland Park*, 184 Ill. 2d 290 (1998) and *People ex rel. Birkett v. City of Chicago*, 184 Ill. 2d 521 (1998) on complex civil litigation in the Illinois courts. Over 200 judges have received copies of the manual which has been used as the basic reading material for a regional educational seminar on complex litigation. The Committee also updated the *Illinois Manual for Complex Criminal Litigation*, adding discussion of case law developments in the criminal law field over the previous two years. These volumes are both available in the Resource Lending Library sponsored by the Committee on Education. The Committee has contemplated an addition to the civil manual which would discuss judicial management of complex environmental litigation.

Study Committee on Juvenile Justice

The Study Committee on Juvenile Justice continues its commitment to examine and make recommendations on aspects of the juvenile justice system, propose education and training programs for judges, and prepare and update the juvenile law benchbook. On January 1, 1999, the new Juvenile Reform Provisions of 1999, P.A. 90-590, became effective, ushering in the most significant statutory changes in the area of delinquency law in years. Due to the statutory changes, the Committee began the process of rewriting the juvenile law benchbook, the purpose of which is to provide judges at all experience levels with a comprehensive and easily accessible reference guide. In order to incorporate the statutory changes, the Committee decided to split the juvenile law benchbook into two volumes - devoting one volume to the area of delinquency and one volume to the areas of abuse, addiction, neglect and dependency. The Committee completed the drafting of

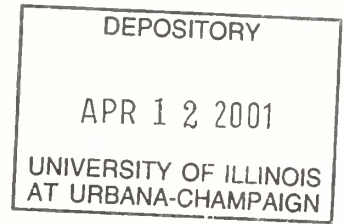
volume one during the 1999 Conference year.

In 1999, the Committee continued its commitment to educating Illinois judges on juvenile law issues by offering recommendations for judicial education programs to meet the demand for additional education concerning the increased complexity of the juvenile law issues. Several Committee members contributed to and served on the faculty of the March 1999 Juvenile Regional Seminar which focused on abuse and neglect. The Committee also assisted the Committee on Education by providing information on the statutory changes for use at seminars.

347.01
I 29ax
2000



SUPREME COURT OF ILLINOIS



CHAMBERS OF
CHIEF JUSTICE MOSES W. HARRISON II

333 SALEM PLACE, SUITE 170
FAIRVIEW HEIGHTS, IL 62208

January 26, 2001

Honorable Michael J. Madigan
Speaker of the House
House of Representatives
Springfield, IL 62706

James "Pate" Philip
the Senate

62706

Honorable Lee A. Daniels
Republican Leader
House of Representatives
Springfield, IL 62706

Jones, Jr.
ler

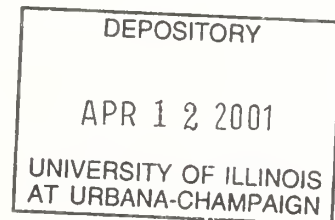
706

Gentlemen:

Attached is the 2000 Annual Report of the Illinois Supreme Court. I submit this Report to the General Assembly pursuant to Article VI, section 17 of the Illinois Constitution of 1970, which requires the Supreme Court to report annually in writing to the General Assembly regarding the annual Judicial Conference. The Judicial Conference considers the work of the courts and suggests improvements in the administration of justice. In compliance with Article VI, section 17, this Report includes a summary of the work performed by the several committees which make up the Judicial Conference.

The Committees of the Judicial Conference include (1) Alternative Dispute Resolution, (2) Automation and Technology, (3) Criminal Law and Probation Administration, (4) Discovery Procedures, (5) Education, (6) Study Committee on Complex Litigation, and (7) Study Committee on Juvenile Justice. On October 25, 2000, the Judicial Conference assembled to consider the aforementioned committees' reports and recommendations. The reports described various projects undertaken by the respective committees during conference year 2000. This Annual Report summarizes those projects and accomplishments and provides a forecast of initiatives for conference year 2001.

347.01
I 29ax
2000



SUPREME

CHAMBERS OF
CHIEF JUSTICE MOSES W

333 SALEM PLACE, SUITE 170
FAIRVIEW HEIGHTS, IL 62208

January 26, 2001

Honorable Michael J. Madigan
Speaker of the House
House of Representatives
Springfield, IL 62706

Honorable James "Pate" Philip
President of the Senate
State Senate
Springfield, IL 62706

Honorable Lee A. Daniels
Republican Leader
House of Representatives
Springfield, IL 62706

Honorable Emil Jones, Jr.
Democratic Leader
State Senate
Springfield, IL 62706

Gentlemen:

Attached is the 2000 Annual Report of the Illinois Supreme Court. I submit this Report to the General Assembly pursuant to Article VI, section 17 of the Illinois Constitution of 1970, which requires the Supreme Court to report annually in writing to the General Assembly regarding the annual Judicial Conference. The Judicial Conference considers the work of the courts and suggests improvements in the administration of justice. In compliance with Article VI, section 17, this Report includes a summary of the work performed by the several committees which make up the Judicial Conference.

The Committees of the Judicial Conference include (1) Alternative Dispute Resolution, (2) Automation and Technology, (3) Criminal Law and Probation Administration, (4) Discovery Procedures, (5) Education, (6) Study Committee on Complex Litigation, and (7) Study Committee on Juvenile Justice. On October 25, 2000, the Judicial Conference assembled to consider the aforementioned committees' reports and recommendations. The reports described various projects undertaken by the respective committees during conference year 2000. This Annual Report summarizes those projects and accomplishments and provides a forecast of initiatives for conference year 2001.

On behalf of the Court, I respectfully submit the Supreme Court's 2000 Annual Report to the General Assembly.

Sincerely,

A handwritten signature in black ink, reading "Moses W. Harrison II". The signature is fluid and cursive, with the first name "Moses" and last name "Harrison" being more prominent, and "W." and "II" in smaller script.

Moses W. Harrison II
Chief Justice
Supreme Court of Illinois

Enclosure

c: Members of the General Assembly

2000 Annual Report to the Ninety-Second Illinois General Assembly

The 47th annual meeting of the Illinois Judicial Conference was held October 25-26, 2000, in Chicago. Mandated by Article 6, section 17 of the Illinois Constitution, the Conference is charged to consider the work of the courts and to suggest improvements in the administration of justice. Members of the Conference include the justices of the Illinois Supreme Court and judges who serve on Illinois' appellate and circuit courts. Oversight for the Conference rests with an Executive Committee, consisting of fourteen judges, with the Chief Justice serving as chairperson.

The first day of the annual meeting began with the conference committees meeting to finalize their annual reports and beginning the work on new initiatives identified for conference year 2001. At the annual conference dinner, Chief Justice Moses W. Harrison recognized the presence of retired Supreme Court Justices James S. Stamos, Howard C. Ryan and Seymour Simon. Members of the conference were joined at dinner by non-judicial conference judges and attorneys who serve on the conference committees in the capacity of associate members and advisors. In remarks, the Chief Justice acknowledged the work of the conference committees and praised the members for their efforts on behalf of the court. The Chief Justice observed that one of the primary obligations of the judiciary is to keep pace with the changing demands of society and that the work of the committees was helping to improve the judiciary for all of the citizens of Illinois.

On day two of the annual meeting Chief Justice Harrison convened the members for the plenary session. At that time, each of the committees was called upon to present its annual report and recommendations to the full conference. The following summarizes the substance of the committees' reports:

Alternative Dispute Resolution Coordinating Committee

The Alternative Dispute Resolution Coordinating Committee is charged with evaluating, monitoring, studying and making recommendations regarding the use of dispute resolution programs. Consistent with its charge, during the 2000 conference year, the Committee drafted and disseminated a survey to mandatory arbitration program participants. The survey solicited feedback regarding the best aspects of the mandatory arbitration program, areas in which improvement was needed, suggestions for arbitrator training, the need for rule changes, and a general satisfaction rating of the mandatory arbitration programs. Survey responses yielded suggestions for improvements in the program, including the need for arbitrator training. Overall, indicators are that mandatory arbitration programs are an effective means of case disposition.

In the area of mediation, the Committee continued to oversee court-sponsored pilot major civil case mediation programs operating in six circuits. More than 1,300 cases have been processed

through these programs. From July 1, 1999 through June 30, 2000, a total of 164 major civil cases were reported to have been mediated. Of that number, 103 resulted in a full settlement.

Early in the Conference year, the Committee submitted proposed amendments to Supreme Court Rules 87(d) and 94 to the Supreme Court Rules Committee. If approved by the Supreme Court, the amendments would modify the requirement that arbitrators file an oath for each case heard, which would in turn allow participating judicial circuits to determine procedures for filing oaths. The Committee monitored court-annexed mandatory arbitration programs operating in eleven counties and welcomed the addition of a new court-annexed mandatory arbitration program in four counties of the Fourth Judicial Circuit.

In addition, the Committee reported on its proposal to the Committee on Education to conduct a course on alternative dispute resolution. The course won the approval of the Committee on Education and was conducted at the Education Conference 2000. In addition to offering substantive materials relating to alternative dispute resolution, attendees at the Conference were provided a listing of the types of ADR programs available in each county, inclusive of contact persons and telephone numbers for each program.

Noting a favorable climate for alternative dispute resolution, the Committee reported that in 13 years of operation, court annexed mandatory arbitration in Illinois has become an effective case management tool, reducing the number of cases that proceed to trial as well as the length of time cases remain in the court system.

Automation and Technology Committee

Technology affects nearly every operational and administrative aspect of judicial function. The frequency with which technological advances occur afford the judiciary the opportunity to choose from a growing market of products. These products, when properly evaluated and utilized, enhance the capabilities of judges and clerks, and increase overall efficiency in judicial operations. The Automation and Technology Committee is charged with evaluating, monitoring, coordinating and making recommendations for improved technological applications which would serve to achieve desired levels of efficient operation in the judicial system.

During the past Conference year, the Committee conducted a survey in the appellate and circuit courts to determine how judges used computers in the performance of their judicial duties. The survey results indicated that the number of judges who use computers has increased approximately 12 percent in the last seven years. The Committee also continued to support the Administrative Office of the Illinois Courts' efforts in the implementation of an Internet web page and the development of a statewide judicial information system (Intranet). Given the inevitability of technological advances, the Committee has expressed its intent to continue to evaluate existing and emerging technologies and their potential value in the administration of justice in Illinois.

Committee on Criminal Law and Probation Administration

The Committee on Criminal Law and Probation Administration is charged with providing recommendations on matters affecting the administration of criminal justice and the probation system. The Committee expressed its support for the work of the Criminal Code Rewrite and Reform Commission. In so doing, the Committee suggested the Commission's consideration of alternative correctional options, specific provisions for dealing with youthful offenders, and judicial discretion in sentencing.

During the Conference year, the Committee reviewed proposals to adopt new rules and to amend existing Supreme Court Rules. In sum, the Committee recommended amendments to Supreme Court Rule 604(d) and Supreme Court Rule 605(b) which would refine the definition of a "negotiated plea." The Committee also considered a proposal to adopt a new rule which would establish specific procedures for jury waivers. Although the Committee did not find it appropriate to require written jury waivers in all cases, the Committee prepared a jury waiver form that may be used at the discretion of the trial judge. Finally, the Committee declined to recommend the adoption of a new rule which would establish procedures for verifying a defendant's waiver of the right to testify.

Committee on Discovery Procedures

Discovery is integral to the truth seeking process of trial. The Committee on Discovery Procedures, which provides expertise in the area of civil discovery, has continued its charge to evaluate existing discovery tools. Part and parcel of the Committee's charge is to make recommendations on innovative means of expediting pretrial discovery, and to develop appropriate means to end abuses of the discovery process.

During the 2000 Conference year, the Committee considered several discovery-related rule proposals forwarded for review by the Supreme Court Rules Committee. The Discovery Procedures Committee, after reviewing proposed amendments to Supreme Court Rule 212(a), drafted an alternative proposal, which if adopted, would allow discovery depositions to be used as evidence at trial or hearing where the court finds that the deponent is unable to attend or testify either because of death or infirmity. The Committee also studied the issue of physicians' depositions as provided for under Supreme Court Rule 204(c). Out of concerns over the rising fees charged by physicians for depositions, the Committee recommended that the rule be amended to limit both the length of a discovery deposition of a non-party physician and the fee charged by a non-party physician for the deposition. The Committee continued to study interpretation problems of Supreme Court Rule 213's disclosure requirements for opinion witnesses. The Committee sought to clarify the interpretation issues and explain the Rule's disclosure requirements by recommending that Supreme Court Rules 213(g) and (j) and the Committee Comments to Rules 213(f), (g) and (i) be amended.

Committee on Judicial Education

Illinois' judiciary continues to reap the benefits of a vital and developing judicial education program. Reinstatement of the large conference format for judicial education was the highlight of the 2000 Conference year. Over 900 Illinois judges attended the two presentations of the *Education Conference 2000* held in February and March. The education conference offered 22 different topics presented by 78 faculty and guest speakers. In early 2000, the Court approved the Committee's recommendation to conduct an *Advanced Judicial Academy* in 2001. This new, five-day residency program will provide experienced jurists with the tools to decide cases in light of changes in the law and society, revitalize their approaches to decision making, and enhance appreciation of the social, economic and political factors that impact upon decision making. An Academy will be held every two or three years, in years when an educational conference is not also being conducted.

During the 2000 Conference year, the Committee conducted a New Judge Seminar, five regional seminars, three mini-seminars, and two faculty development seminars. The Committee also obtained funding from the Illinois Department of Transportation to conduct a special seminar on sentencing in DUI cases. The Committee planned half the usual number of seminars because of *Education Conference 2000*. The Committee also sponsored special projects, including a seminar to train judges to serve as mentors in the New Judge Mentoring Program and production of the 2000 supplement to the *Probate Law Bench Book*.

The Committee continues to sponsor the Resource Lending Library, which is housed in the Springfield Office of the Administrative Office. The library continually proves to be an invaluable resource for judges. Loan material available through the Library includes video tapes, audio tapes, and publications. In fiscal year 2000, 245 judges requested one or more items from the Library.

Study Committee on Complex Litigation

The Study Committee on Complex Litigation, whose task is to study, make recommendations, and disseminate information on successful practices for managing complex litigation, devoted the Conference year to updating the manuals on complex civil and criminal litigation. During the 2000 Conference year, the Committee produced a supplement and third update to the third edition of the *Illinois Manual for Complex Civil Litigation*. Over 200 judges have received copies of the manual which has been used as the basic reading material for a regional educational seminar on complex litigation. This year the Committee added a section to the manual addressing complex environmental litigation. The Committee additionally created a comprehensive update for the civil manual, cumulating the previous update materials and addressing recent case law changes. In 2000, the Committee also produced a second update to the *Illinois Manual for Complex Criminal Litigation*, cumulating the previous update and discussing recent case law developments.

Study Committee on Juvenile Justice

The charge of the Study Committee on Juvenile Justice is to study and make recommendations on aspects of the juvenile justice system, propose education and training programs for judges and prepare and update the juvenile law benchbook. During the 2000 Conference year, the Committee published Volume I of the *Juvenile Law Bench Book* which addressed the areas of delinquency, minors in need of authoritative intervention and addicted minors. The book gives judges an overview of the juvenile court proceedings, directs them to relevant statutory and case law, highlights recent amendments and identifies areas that present special challenges to judges as they carry out their responsibilities. The Committee also continued its drafting work on Volume II which will address the areas of abuse, addiction, neglect and dependency.

In addition to rewriting the juvenile law benchbook, the Committee continued its commitment to educate Illinois judges on juvenile law issues by offering recommendations for judicial education programs to address the increasing complexity of the juvenile law issues. Committee members also contributed to and served on the faculty of the *Education Conference 2000* as well as the Juvenile Law regional seminars.

